

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 3069 - SB 2956

February 13, 2012

SUMMARY OF BILL: Authorizes the expunction of all court files and records and all public records for anyone who has been adjudicated delinquent or unruly or has been charged with a delinquent or unruly offense or violation. Includes any scientific methods establishing an individual's identity in references to fingerprints or fingerprinting regarding the prohibitions and uses of fingerprinting a child investigated for delinquent acts as well as the maintenance and destruction of those records. Requires local law enforcement records and files to be destroyed within 6 months after an individual reaches 21 years of age unless the individual was adjudicated to have committed a delinquent act that would constitute a Class A or Class B felony of aggravated kidnapping, aggravated robbery, rape, or aggravated sexual battery at age 16 or older. In these instances, local law enforcement has the discretion to maintain or destroy the information after the individual reaches the age of 21. Requires records of delinquent and unruly proceedings in juvenile court to be destroyed, at no cost to the person petitioning the court, when a child is taken into custody or detained without the filing of a petition or in proceedings that are dismissed, including successful completion of pretrial diversion or informal adjustment

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- According to the Administrative Office of the Courts, there is currently a system in place for parties to request the expunction of juvenile court records. Any costs incurred due to changes in the current system will not be significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- A small increase in cases in the juvenile court system, which will result in additional local government expenditures for processing the cases and additional local government revenue from fees, taxes, and costs collected. These expenditures and revenue are estimated to be not significant.
- Any changes to the current record retention systems of local government, including local law enforcement, are estimated to be minimal. Any increase in expenditures incurred by the destruction of additional records is estimated to be offset by any decrease in expenditures for the reduction of files that will be retained. The net impact to local expenditures is estimated to be not significant.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

/kml